

ALUC REVIEW OF THE BURBANK 2035 GENERAL PLAN PROJECT

OVERVIEW

The City of Burbank is undertaking a comprehensive update to their General Plan (Plan).

The State Aeronautics Act (AA) requires that updates to General Plans in jurisdictions containing public use airports be reviewed by the County's Airport Land Use Commission (ALUC) for consistency with the County's adopted Airport Land Use Compatibility Plan (ALUCP). The ALUC reviews not only the General Plan, but also any associated ordinances and regulations that set forth implementation measures.

ALUC Review of the Plan is limited to aspects of the document where new/future land uses could affect or be affected by the operation and the impacts of the airport.

The ALUC's role is to provide assistance to the City of Burbank (Burbank) in maintaining consistency between the Plan and the AA. The AA is intended to protect the long term viability of the state's airports by preventing encroachment of new incompatible development around public use airports that will lead to conflicts. Examples of potential conflicts include excessive public exposure to aircraft noise; safety concerns where development around airport can cause hazards; and prohibiting concentrations of people in areas where the exposure to aircraft danger is highest.

Since the referral materials were initially sent to ALUC staff, the City of Burbank has further refined its policies and procedures and has provided ALUC staff with these changes in a form of a letter, referenced as Attachment 12. ALUC staff has reviewed the Plan and recommends that the ALUC find the Plan **consistent** with the ALUCP based on the text amendments as agreed to by the City of Burbank (**see Attachment 12**).

BACKGROUND INFORMATION

The Burbank 2035 General Plan Project is a comprehensive update to the adopted General Plan for the City of Burbank. It is a state-required document. Burbank's existing General Plan was adopted in 1965 and various elements of the Plan have been updated in subsequent years, including the 2008 Housing Element which is not part of this project, but the plan has not been comprehensively revised since that time.

On January 23, 2013, the ALUC will review the Burbank 2035 General Plan Project for a consistency determination with the adopted Los Angeles County Airport Land Use Compatibility Plan (ALUCP) pursuant to Section 21676(b) of the Public Utilities Commission (PUC).

LOCATION AND DESCRIPTION OF PROJECT SITE

Project Location and Setting

Burbank is located in the central portion of Los Angeles County approximately twelve miles north of downtown Los Angeles. The northern part of Burbank is located along the foothills of the Verdugo Mountains and the western edge of Burbank is located near the eastern part of the San Fernando Valley. Burbank is bisected by the Interstate 5 freeway and it is adjacent to the Cities of Los Angeles and Glendale.

The Bob Hope Airport (formerly known as the Burbank/Glendale/Pasadena Airport) is located in the northwest corner of Burbank. The Airport Influence Area (AIA) includes portions of Burbank and portions of the North Hollywood and Sun Valley communities within the City of Los Angeles. The airport planning boundary is defined by the combination of the 65dB Community Noise Equivalent Level (CNEL) noise contour, the airport property boundary and all runway protection zones (RPZ). Together these areas comprise the project site which is located *within the City of Burbank*.

The project site corresponds to the irregularly shaped AIA that is defined by the 65dB CNEL noise contour line and the RPZ's excluding the areas located in the City of Los Angeles (**Attachment 1**). Most of the AIA in Burbank outside the airport property is to the south of the airport, due to the predominance of flights that under usual weather conditions takeoff in a southerly direction and then immediately turn to the southwest.

PROJECT DESCRIPTION

The City of Burbank's project is the update of their General Plan. The Plan consists of all the state-mandated elements: Land Use, Mobility (Circulation), Open Space and Conservation, Noise and Safety. The Housing Element was updated and adopted separately in 2008. The Plan includes an Air Quality and Climate Change Element and a Plan Realization Element which is a General Plan implementation mechanism.

APPLICATION OF LOS ANGELES COUNTY AIRPORT LAND USE POLICIES

In 1991 the ALUC adopted the Los Angeles County Airport Land Use Plan (ALUP), also known as the Airport Land Use Compatibility Plan (ALUCP) and Comprehensive Land Use Plan (CLUP), which sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them. To better facilitate policy review procedures for the ALUC and its staff, the Los Angeles County Airport Land Use Commission Review Procedures document was adopted in 2004. The adopted ALUCP and Review Procedures contains policies to help minimize the public's exposure to excessive **noise** impacts and **safety** hazards associated with airport operations and allow airports to continue to operate unencumbered.

ALUCP Noise Policies

The ALUCP established noise compatibility between the airport and certain typical land uses within the Airport Influence Area. The Land Use Compatibility Table lists recreation, agriculture, industrial and commercial land uses within the 65dB CNEL noise contour as compatible from an airport land use perspective. The Table lists residential, commercial and recreational uses as compatible provided sound insulation needs are reviewed, and

lists educational facilities as not compatible. Above 70dB CNEL, residential uses are to be avoided unless related to Airport Services.

ALUCP Safety Policies

ALUCP safety policies require the establishment of runway protection zones, and set policies for limiting uses that may create a safety hazard for aircraft in the air and people on the ground.

STAFF EVALUATION

Staff has reviewed the Plan and notes that with the addition of the language contained in **Attachment 12**, the Plan and ALUCP are consistent because the Plan acknowledges the importance of airport land use compatibility through the following policies:

1. Land Use Element Policy 11.5 (Regional Commercial)

Projects with housing shall be subject to a discretionary review process to ensure that the property is being put to its highest and best use in a manner compatible with the citywide objectives for economic development.

Add language: *Within the Airport Influence Area, projects with housing must meet all safety and noise policies in the adopted Los Angeles County Airport Land Use Plan.*

2. Land Use Element Goal 12 (Golden State Commercial/Industrial)

New Policy: Within the Airport Influence Area, encourage land uses that are compatible with Bob Hope Airport. Projects occurring within the Airport Influence Area should be compatible with the adopted Los Angeles County Airport Land Use Plan.

3. Land Use Element Goal 10 Policy 10.8 (Corridor Commercial)

Future development projects with housing shall be subject to a discretionary review process to ensure compatibility with nearby neighborhoods.

Add language: *Within the Airport Influence Area, projects with housing must meet all safety and noise policies in the adopted Los Angeles County Airport Land Use Plan.*

4. Noise Element Goal 5 (Aircraft Noise)

New Policy: Within the Airport Influence Area, seek to inform residential property owners of airport-generated noise and any land use restrictions associated with high noise exposure.

5. Noise Element Table N-3 Maximum Allowable Noise Exposure

Insert Additional Footnotes: Schools, libraries, museums – Within the Airport Influence Area, these uses are not acceptable above 65dba CNEL if subject to the City's discretionary review procedures.

6. Plan Realization Element Program LU-10 (Inter-Agency Coordination)

Add Policy: Refer all major land use actions as defined by the Los Angeles County Airport Land Use Commission (ALUC) Review Procedures Section 1.5.3 occurring within the Airport Influence Area, to ALUC for review and consistency determination.

The sections of the Plan relevant to ALUC review are:

1. Land Use Element
2. Noise Element
3. Safety Element
4. Open Space and Conservation Element
5. Plan Realization Element

The following evaluates the proposed Land Use Element chapter and the proposed land use categories and their corresponding densities for consistency with the ALUCP. This analysis also evaluates any proposed changes in the land use designations within the Airport Influence Area (AIA). The goals and policies of the Plan elements evaluated for consistency with the ALUCP, which are relevant to airport land use, include Land Use, Noise, and Safety. These elements were analyzed for potential impacts on airport land use compatibility with the ALUP in regards to noise and safety.

Land Use Element Policies

The policies support each of the Land Use Element goals in this chapter. The relevant goals and policies are:

1. The Burbank 2035 General Plan identifies the Burbank Metrolink Bob Hope Airport Station area as a Transit Center in Exhibit M-3 on page 4-16. A transit center and portion of the Golden State Commercial/Industrial land use is within the AIA. THE Plan allows for industrial and mixed use development, but areas within the AIA are restricted to discretionary review that includes airport land use compatibility as a concern in **Attachment 12** and therefore staff finds this reference **consistent** with the ALUCP.

2. Land Use Element Policy 5.4: *Allow residential units in traditionally non-residential areas, and support adaptive reuse of non-residential buildings for residential and live-work units in Downtown Burbank and other appropriate locations.*

Policy 8.6: *Allow limited non-residential uses with discretionary approval if those uses would benefit the neighborhood and/or community and would not sacrifice the character or integrity of the neighborhood. Such uses include, but may not be limited to, schools, churches, parking lots, and public facilities.*

The Plan explains that for the AIA, schools within the 65dB CNEL which the City of Burbank has discretionary approval power have been addressed by changes which will be included in the Final General Plan and would be reviewed for appropriate conditions that could ensure airport land use compatibility. Staff finds these goals and policies **consistent** with the Airport Land Use Plan.

Residential and mixed use projects with a residential component within the Airport Influence Area have been addressed with language to be included in the Final General

Plan and referenced in **Attachment 12**; therefore staff finds these goals and policies **consistent** with the ALUCP.

Noise Element

Goal 5 Aircraft Noise: *Burbank achieves compatibility between airport-generated noise and adjacent land uses and reduces aircraft noise effects on residential areas and noise-sensitive land uses.*

Policy 5.1: *Prohibit incompatible land uses within the airport noise impact area.*

Table N-3 Maximum Allowable Noise Exposure-Transportation Sources

Including **Attachment 12**, the policies and the Table N-3 in the Noise Element are **consistent** with the ALUCP.

Safety Element

Goal 7 Airport Hazards: *Threats to public safety, lives, and property resulting from an airport-related incident are reduced.*

Policy 7.1: *Maintain consistency with the Los Angeles County Airport Land Use Plan as it pertains to Bob Hope Airport.*

Policy 7.2: *Ensure that land uses, densities, and building heights within Airport Land Use Compatibility Zones are compatible with safe operation of Bob Hope Airport.*

The safety goals and policies in the Safety Element are **consistent** with the ALUCP.

Open Space and Conservation Element

The Open Space Land Use Designation is found in the Airport Influence Area to the south of airport. The Open Space Land Use designation allows three types of open space uses: public parks, public and open space areas, and cemeteries. The largest area of this designation is found immediately south of the airport and is the existing Valhalla Cemetery. A portion of the cemetery is within the Runway Protection Zone (RPZ). Immediately adjacent to the southeast of the cemetery is Larry Maxam Memorial Park, formerly known as Pacific Park. On the western edge of the city boundary with Los Angeles is Valley Park. Both parks are small Neighborhood Parks with Valley Park composed of 4.44 acres and Larry Maxam Memorial Park which totals 5.29 acres and are not located in the RPZ. These parks and other types of open space are **consistent** with the ALUCP.

Plan Realization Element

The Land Use Program LU-10 will include in the final adopted version of the General Plan an additional implementation item that states that Burbank will refer all major land use actions as identified in the Los Angeles County Review Procedures to the Airport Land Use Commission for review and consistency determination with the Los Angeles County

Airport Land Use Plan and therefore staff finds the Plan Realization Element **consistent** with the ALUCP.

Consistency with ALUP Policies

General Policy G-1. *Require new uses to adhere to the Land Use Compatibility Table.*

The Plan is consistent with ALUCP Policy G-1, which requires new uses to adhere to the Land Use Compatibility Table. The Plan includes a land use compatibility table (Table N-3) places the same types of restrictions on development within the AIA as the ALUCP.

General Policy G-2. *Encourage the recycling of incompatible land uses to uses which are compatible with the airport, pursuant to the Land Use Compatibility Table.*

The Plan is consistent with ALUCP Policy G-2, which requires recycling of incompatible land uses to uses which are compatible with the ALUCP, pursuant to the Land Use Compatibility Table. The Land Use Compatibility Table lists new residential uses in the 65 dB CNEL as compatible provided sound insulation needs are reviewed, and lists educational facilities as not compatible. Policy 5.1 of the Plan prohibits incompatible uses related to noise and Policy 7.1 states: *Maintain consistency with the ALUCP as it pertains to Bob Hope Airport* and therefore deemed consistent with the ALUCP.

General Policy G-3. *Consider requiring dedication of an aviation easement to the jurisdiction owning the airport as a condition of approval on any project within the designated planning boundaries.*

The City of Burbank has considered requiring easements, but to takings language finds it more advantageous to require buyer beware notices, which it will due pursuant to a new policy in the Noise element per **Attachment 12**. Staff has determined the project is **consistent** with General Policy G-3.

General Policy G-4. *Prohibit any uses which will negatively affect safe air navigation.*

Policy G-4 of the ALUCP prohibits projects that would affect safe air navigation into the airport. The Plan does not include devices or structures that would negatively affect safe air navigation and is therefore consistent with ALUCP Policy G-4. Staff has determined the project is **consistent** with General Policy G-4.

STATUS OF BURBANK GENERAL PLAN PROJECT

The City of Burbank Planning Board on November 19, 2012 held a public hearing passed a Resolution (**Attachment 9**) with unanimous consent to recommend certification of the Final Environmental Impact Report (EIR), adoption of the Statement of Overriding Considerations (**Attachment 4**) and approval of the planning entitlements for the Burbank 2035 General Plan project (**Attachment 6**). The first Burbank City Council hearing on the

Burbank 2035 General Plan is scheduled for early February. The final City Council hearing to consider adoption of the Burbank 2035 General Plan is also scheduled for February.

ENVIRONMENTAL DOCUMENTATION

A Final Environmental Impact Report (FEIR) was prepared and is attached as part of this report (**Attachment 3**).

PUBLIC COMMENTS

As of the date of this staff report, staff has received no comments, written or by telephone regarding this project.

RECOMMENDED ACTION

The Plan will include language as referenced in **Attachment 12** which successfully addresses Land Use, Noise and Safety policies that promote consistent land use policy within the Airport Influence Area and are **consistent** with the ALUCP.

Staff recommends that the Airport Land Use Commission find the Burbank 2035 General Plan with the revisions mentioned in **Attachment 12 CONSISTENT** with the policies of the Los Angeles County ALUCP.

SUGGESTED MOTION

*"I move that the Airport Land Use Commission close the public hearing and, based on the evidence presented, find the Burbank 2035 General Plan project **CONSISTENT** with the adopted Los Angeles County Airport Land Use Plan, with the revisions noted."*

Attachments:

1. Airport Influence Area map
2. Land Use Compatibility Table
3. Final Environmental Impact Report
4. CEQA Statement of Overriding Considerations
5. Draft Findings
6. Burbank 2035 General Plan
7. City of Burbank Planning Board Staff Report
8. City of Burbank Planning Board Exhibit
9. City of Burbank Planning Board Signed Resolution
10. City of Burbank Sound Insulation Ordinance No. 3662
11. City of Burbank Height Ordinance No. 3663
12. City of Burbank Text Amendment Agreement